

Town of Amherst
Zoning Board of Appeals - Special Permit
DECISION

Applicant: Dotty Meyer
C/o Immanuel Lutheran Church
867 North Pleasant Street, Amherst, MA

Owner: Immanuel Lutheran Church
867 North Pleasant Street, Amherst, MA

Date Application filed with the Town Clerk: October 11, 2005

Nature of request: Petitioner seeks a Special Permit under Section 8.101 of the Zoning Bylaw, to install a sign on the property of the Immanuel Lutheran Church, which (in combination with the existing sign at the church) exceeds 12 square feet in area.

Location of property: 867 North Pleasant Street, (Map 8A, Parcel 71, R-N Zone)

Legal notice: Published in the Daily Hampshire Gazette on October 26 and November 2, 2005, and sent to abutters on October 26, 2005.

Board members: Zina Tillona, Barbara Ford and Russ Frank

Submissions: The applicants submitted the following documents which are on file in the Planning Department:

- A color photograph of the sign, in place.
- A survey plan of the property, dated August 1994, showing the new sign location.

The Fire Department submitted a memorandum, dated November 9, 2005, stating that the proposed sign will not have an impact on access by fire and emergency vehicles.

Site Visit: November 8, 2005

At the site visit the Board was met by Dotty Meyer. The Board observed the following:

- The location of the property on a heavily-traveled road surrounded by older homes and institutional buildings;
- The existing church building and parking lot;
- The existing church sign;
- The sign for which this application was filed, installed in front of the church building, along a path leading to the Renaissance School (a pre-school) which is located in the church building.

Public Hearing: November 10, 2005.

At the public hearing Dotty Meyer, the applicant, presented the petition. Ms. Meyer made the following comments:

- The sign was installed before Ms. Meyer was aware of the need for a sign permit;
- The need for a permit was brought to her attention when a representative of the Building Commissioner's office came to discuss renovations to the pre-school space;
- The purpose of the sign is to direct people to the entrance to the pre-school.

Ms. Ford made the following comments:

- She asked if the sign was meant to direct people on the street to the location of the pre-school.
- She noted that the sign was not readable from the street.
- She asked if the sign could be moved closer to the street so that it could help to direct drivers and others entering the site.

Ms. Meyer made the following statements:

- She stated that the sign was intended to direct people who were already on the site.
- She added that the sign was not lighted and that therefore it would not be visible at night.
- She noted that there is a large concrete pillar near the location that would be her alternative choice and that the pillar might obscure the sign in that location;
- She does not want the sign to be hit by snow plows, which might be a problem if the sign were moved closer to the parking lot or the driveway.

There were no comments from the public.

Barbara Ford MOVED to close the evidentiary portion of the public hearing. Zina Tillona SECONDED the motion. The Board VOTED unanimously to close the evidentiary portion of the public hearing.

Public Meeting – Discussion

At the public meeting, the Board discussed the application. Ms. Ford asked if the other Board members were concerned about the issue of the size of the two signs on the property. Bonnie Weeks, Building Commissioner, noted that the reason that a Special Permit is required in this case is because the two signs, taken together, exceed the size allowed in the Zoning Bylaw without a Special Permit. The size of the sign is the issue upon which the Board is being asked to rule.

Ms. Tillona noted that the property is very large and that there is enough space to allow two signs with a combined area exceeding 12 square feet, especially since the signs were located far apart from one another and that, in her opinion, the addition of a second sign had less of an impact than increasing the size of one sign would have.

Public Meeting – Findings:

Under Section 10.38 of the Zoning Bylaw the Board found as follows:

10.380 and 10.381 – The proposal is suitably located in the neighborhood in which it is proposed and is compatible with existing uses because it is located in the middle of a large parcel of land owned and operated by a church. The property contains a large church building and parking lot. The sign adjacent to the church building and is not adjacent to homes in the neighborhood. Because of its location it is not highly visible from the road or

adjacent properties.

10.382 and 10.383 – The proposal would not constitute a nuisance or be a substantial inconvenience or hazard because it is an attractive sign, it is not lit and it is located away from public walkways and roadways. Its purpose is to direct visitors to the location of a pre-school and therefore will be a convenience for visitors.

10.384 and 10.387 – Adequate and appropriate facilities will be provided for the proper operation of the proposed use and the proposal provides convenient and safe vehicular and pedestrian movement within the site because the parcel of land is large and open and the sign will not obstruct travel by pedestrians or vehicles and the sign helps to direct visitors who are already on the site to the location of the pre-school.

10.386 – The proposal is in conformance with the sign regulations of the Zoning Bylaw because Section 8.101 of the Zoning Bylaw allows the Zoning Board of Appeals to grant a Special Permit for up to two signs that exceed 12 square feet in area for permitted or authorized uses other than dwellings in a residential district.

10.398 – The proposal is in harmony with the general purpose and intent of the Zoning Bylaw because it promotes the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst.

Public Meeting – Zoning Board Decision

Russ Frank MOVED to approve the application with conditions. Barbara Ford SECONDED the motion. The Board VOTED unanimously to approve the application with conditions.

For all the reasons stated above the Board VOTED unanimously to GRANT a Special Permit, with conditions, under Section 8.101 of the Zoning bylaw, to install a sign on the property of the Immanuel Lutheran Church, which (in combination with the existing sign at the church) exceeds 12 square feet in size, as applied for by Dotty Meyer, at 867 North Pleasant Street, (Map 8A, Parcel 71, R-N Zone).

ZINA TILLONA

BARBARA FORD

RUSS FRANK

FILED THIS _____ day of _____, 2005 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2005.

NOTICE OF DECISION mailed this _____ day of _____, 2005
to the attached list of addresses by _____, for the Board.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2005,
in the Hampshire County Registry of Deeds.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit, under Section 8.101 of the Zoning Bylaw, to install a sign on the property of the Immanuel Lutheran Church, which (in combination with the existing sign at the church) exceeds 12 square feet in total area, as applied for by Dotty Meyer, at 867 North Pleasant Street, (Map 8A, Parcel 71, R-N Zone), with the following conditions:

1. The sign and plantings located below the sign, as shown on the photograph and plan approved by the Board at a public meeting on November 10, 2005, shall be continuously maintained.
2. If the applicant wishes to move the sign, the new location shall be reviewed and approved by the Board at a public meeting.

ZINA TILLONA, Chair
Amherst Zoning Board of Appeals

DATE